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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**GMAC MORTGAGE CORPORATION,**

**Plaintiff,**

**v.**

**R. SCOTT SCHEIMAN, et al.,**

**Defendants.**

**Case No. 11-cv-1288-EJD**

**STIPULATION FOR REMAND**

**STIPULATION**

1. The facts contained in this stipulation are not intended to be binding. The parties are agreeing to certain facts to show that the case should be remanded to the Superior Court of California, County of Santa Clara.

2. Plaintiff commenced this action on or about January 18, 2011, as Case No. 111CV192016, in the Santa Clara County Superior Court. The suit alleged, among other things, a foreclosure action related to property that the United States has an interest, and asks the court to determine that plaintiff's interests are ahead of the United States.

3. Because of the dispute regarding whether plaintiff's interests were ahead or superior to the government, the United States removed the case from state court as there was a

*STIPULATION AND PROPOSED ORDER*  
Case No. 11-cv-1288-EJD

1 federal claim related to the tax lien on the subject property. The action was removed by  
2 defendant the United States of America pursuant to 28 U.S.C. §§ 1442(a)(1) and 1444.

3 4. Since the removal was filed, counsel for the United States has discussed this  
4 action with plaintiffs' counsel. The priority of the parties' respective interests in the property  
5 would have been the sole basis for federal jurisdiction, which is now undisputed. In addition, in  
6 discussing the case, it appears as though there may be significant or numerous state law issues,  
7 while the parties have reached a tentative agreement regarding the sole federal issue. It is now  
8 clear that the state law issues are more predominant and the United States will likely to stipulate  
9 to the outcome and judgment related to the foreclosure.

10 5. Based on the foregoing, the parties agree that this case should be remanded the  
11 Santa Clara County Superior Court, and any pending hearing in this Court should be vacated.

12 6. This United States shall serve a copy of this stipulation on every other party to  
13 this action.

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15 MELINDA HAAG  
16 United States Attorney

17 /s/ Thomas M. Newman  
18 THOMAS M. NEWMAN  
19 Assistant United States Attorney  
20 Tax Division

21 DATED: June 22, 2011

22 By: /s/Charles Correia  
23 CHARLES CORREIA (SBN 86123)  
24 PITE DUNCAN LLP  
25 Attorney for Plaintiff  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
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**GMAC MORTGAGE CORPORATION,**

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**Case No.: 11-cv-1288-EJD**

**ORDER GRANTING REMAND  
TO SUPERIOR COURT**

Based on the parties' stipulation, the Court finds that the issues in this case arise predominantly under state law. A district court may decline to exercise supplemental jurisdiction where "the district court has dismissed all claims over which it has original jurisdiction." See 28 U.S.C. § 1367(c)(3); see also Bryant v. Adventist Health System/West, 289 F. 3d 1162, 1169 (9<sup>th</sup> Cir. 2002) (holding where district court grants judgment on federal claims, district court, pursuant to § 1367(c)(3), may properly decline to exercise supplemental jurisdiction over remaining state law claims). Further, a district court may decline to exercise supplemental jurisdiction over claims that "substantially predominate[ ] over the claim or claims over which the district court has original jurisdiction." See 28 U.S.C. § 1367(c)(2). The Court **DECLINES** to exercise supplemental jurisdiction over the remaining state law claims.

Accordingly, the above-titled action is hereby **REMANDED** to the Superior Court of California, in and for the County of Santa Clara, and the Clerk is **DIRECTED** to transfer

*STIPULATION AND PROPOSED ORDER*  
Case No. 11-cv-1288-EJD

1 forthwith the instant order, at the following address:

2 Office of the Clerk  
3 Superior Court of California  
4 County of Santa Clara  
191 North First Street  
San Jose, CA 95113

5 **IT IS SO ORDERED.**

6 Dated: June 27, 2011

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8 EDWARD J. DAVILA  
9 UNITED STATES DISTRICT JUDGE  
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